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Attorneys for Defendants and Nominal Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

DOREEN R. LAMPERT, Derivatively on Behalf
of CELSIUS HOLDINGS, INC.,

Plaintiff,

v.

JOHN FIELDLY, NICHOLAS CASTALDO,
CAROLINE LEVY, HAL KRAVITZ,
ALEXANDRE RUBERTI, CHERYL S.
MILLER, DAMON DESANTIS, JOYCE
RUSSELL, AND JAMES NEGRON,

Defendants,

and

CELSIUS HOLDINGS, INC.,

Nominal Defendant.

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Case No. 3:23-cv-00017-ART-CSD

ORDER GRANTING

**JOINT STIPULATION TO EXTEND
STAY OF LITIGATION**

(Fifth Request)

WHEREAS, Plaintiff Doreen R. Lampert (“Plaintiff”) commenced this action (the
“Derivative Litigation”) on January 11, 2023, upon the filing of a Verified Stockholder

1 Derivative Complaint (the “Complaint”) asserting claims for breach of fiduciary duty on behalf
 2 of Nominal Defendant Celsius Holdings, Inc. (“Celsius”) and against Defendants John Fieldly,
 3 Nicholas Castaldo, Caroline Levy, Hal Kravitz, Alexandre Ruberti, Cheryl S. Miller, Damon
 4 DeSantis, and Joyce Russell (the “Director Defendants”); a claim for insider selling and
 5 misappropriation of information against Defendant John Fieldly; claims for unjust enrichment
 6 against the Director Defendants; and claims for securities fraud under Section 10(b) of the
 7 Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder against the Director
 8 Defendants (collectively, with Celsius, “Defendants” and, with Plaintiff, the “Parties”) (ECF
 9 No. 1);

10 **WHEREAS**, the Derivative Litigation alleges facts and asserts claims that were also
 11 at issue in a previously filed putative securities class action, pending in the United States
 12 District Court for the Southern District of Florida and styled *City of Atlanta Police Officers’*
 13 *Pension Plan and City of Atlanta Firefighters’ Pension Plan v. Celsius Holdings, Inc., et al.*,
 14 Case No. 22-80418-CV-DMM (S.D. Fla.) (the “Securities Litigation”);

15 **WHEREAS**, on February 1, 2024, the District Court approved the settlement of the
 16 Securities Litigation and dismissed the action with prejudice;

17 **WHEREAS**, the Complaint alleges facts and asserts claims that are also at issue in two
 18 other pending derivative actions, styled, respectively, *Nicholas R. Ingrao v. John Fieldly, et*
 19 *al.*, Case No. A-23-873736-C Dept. 6 (Clark Cnty., Nev.) and *Jennifer Hammond and Dana*
 20 *Hepworth v. John Fieldly, et al.*, Case No. 2:24-cv-00711 (D. Nev.) (collectively, the
 21 “Derivative Actions”);

22 **WHEREAS**, on July 9, 2024, this Court so-ordered the Parties’ Joint Stipulation to
 23 Extend Stay of Litigation, which stayed the Derivative Litigation for sixty (60) days, until
 24 September 2, 2024, (ECF No. 35), so that the Parties could continue their negotiation of a
 25 possible settlement of the Derivative Litigation and, more broadly, the Derivative Actions;

26 **WHEREAS**, the Order Granting the Joint Stipulation To Extend Stay of Litigation
 27 stated, “[i]f the stipulation is so-ordered, the Parties will promptly notify the Court if settlement
 28 of the Derivative Actions is reached” (*id.*);

1 **WHEREAS**, the Parties participated in a mediation on August 21, 2024 to resolve
2 outstanding issues and are currently working to finalize the terms of a proposed settlement;

3 **NOW, THEREFORE**, the Parties hereby stipulate and agree, and respectfully request
4 that the Court enter an order, as follows:

5 1. All pretrial deadlines in this matter shall be stayed pending consummation of
6 the proposed settlement.

7 2. The Parties will provide a further update on the status of the proposed settlement
8 agreement on or before October 4, 2024.


9 DATED this 30th day of August, 2024.

10 Respectfully submitted:

11 **MATTHEW L. SHARP, LTD.**

SALTZMAN MUGAN DUSHOFF

12
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43 Defendant

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ORDER

IT IS SO ORDERED.



Anne R. Traum
United States District Judge

DATED: September 3, 2024

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